

**DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. CROIX**

**MARINA RIVERA** : **CIVIL ACTION**  
:  
**v.** : **NO. 05-0076**  
:  
**KMART CORPORATION** :

**O R D E R**

**AND NOW**, this 10th day of November, 2009, upon consideration of the Motion *in Limine* to Strike Witnesses (Document No. 109) and the plaintiff's response, and after argument, it is **ORDERED** that the motion is **DENIED**<sup>1</sup>.

s/Timothy J. Savage  
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**TIMOTHY J. SAVAGE, J.**

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<sup>1</sup> The plaintiff is not precluded from calling Joanne Ruiz as a witness not only because she was disclosed in discovery, but she was also known to the defendant. Her testimony, however, shall be limited to those facts which could have put the defendant on notice of a dangerous condition resulting from the leaking air conditioning unit two weeks prior to the plaintiff's incident.